1 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 7 FOR THE DISTRICT OF ARIZONA 8 United States of America. CR 15-1723-TUC-RCC (DTF) 9 Plaintiff, ORDER CONTINUING PLEA DEADLINE 10 AND TRIAL VS. 11 Lonnie Ray Swartz, 12 Defendant. 13 14 This case is presently set for trial on February 21, 2017. The Defendant filed 15 a motion to continue and, for the reasons set forth therein, additional time is required 16 to adequately prepare for trial. The Government has no objection to a continuance. 17 The Court finds that the ends of justice served by granting a continuance outweigh 18 the best interests of the public and the Defendant in a speedy trial because, for the reasons 19 set forth in the motion, failure to grant the continuance is likely to result in a miscarriage 20 of justice if the Defendant is required to go to trial on the present trial date. 21 IT IS ORDERED as follows: 22 1. The date by which the referred magistrate judge hears the change of plea must 23 be no later than June 2, 2017 by 3:00 p.m. 24 2. All motions, unless made during a hearing or trial, shall be in writing and shall 25 be made sufficiently in advance of trial to comply with the time periods set forth in 26 LRCiv. 7.2 and any court order and to avoid any delays in the trial. Pretrial motions may 27 be heard before a magistrate judge and a Report and Recommendation will be provided to 28 the district judge assigned to the case.

- 3. This matter is RESET for trial on June 19, 2017 at 9:30 a.m. Counsel are to be present at 9:00 a.m.
- 4. Excludable delay under 18 U.S.C. §3161(h)(7) is found to commence on February 22, 2017 and end on June 19, 2017. Such time shall be in addition to other excludable time under the Speedy Trial Act and shall commence as of the day following the day that would otherwise be the last day for commencement of trial.
- 5. That any and all subpoenas previously issued shall remain in full force and effect through the new trial date.
- 6. Any motion or stipulation to continue the scheduled trial date and change of plea deadline shall be filed with the Clerk of Court no later than 5:00 p.m., Monday, June 5, 2017. Alternatively, by that same deadline, if after consultation between government and defense counsel it is determined that a motion to continue the scheduled trial date and change of plea deadline will not be filed, government counsel shall notify the Court by an email to the chambers email address that the case and counsel are ready to proceed to trial on the scheduled trial date. The notification shall also include the estimated number of trial days needed to complete the trial.

Dated this 30th day of January, 2017.

Raner C. Collins Chief United States District Judge